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Remarks

Restrictions under 35 U.S.C. §121

The Office Action submits that newly submitted claims 1-20, 28-29 and 30-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 1-20, 28-29 and 30-31 are drawn to a method of cleaning equipment which is in an assembled state, classified in class 134, subclass 22.1; and
- II. Claims 21-27 are drawn to a method of cleaning a hard surface, classified in class 134, subclass 26.

The Examiner has constructively elected claims 21-27 because Applicants have received an Office Action on the merits. However, Applicants wish to make it of record that the restriction requirement is traversed on the grounds that no separate search is required.

Rejections

35 U.S.C. §102(b)

Claims 21-23 and 25-26 have been rejected under 35 U.S.C. §102(b) as being anticipated by Ramachandran et al. (US 4469605).

Applicants traverse the rejection.

Independent claim 21 is directed to a method of cleaning hard surfaces which includes the steps of flushing a ***hard surface*** with a pre-rinse solution which includes a partially neutralized anionic polymer and includes at least one other step which is either flushing the ***hard surface*** with at least one other rinse solution or cleaning the hard surface with a main wash solution.

Thus, claim 21 is directed to a process which includes at least two ***different*** compositions.

Ramachandran et al. is directed to a fabric softening heavy duty liquid detergent, useful for both cleaning and softening laundry, includes certain proportions of sodium linear higher alkylbenzene sulfonate, sodium alkyl polyethoxy sulfate, builder salt (highly preferably a mixture of sodium tripolyphosphate and sodium carbonate), finely divided swelling bentonite and water.

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Applicants assert that Ramachandran et al. do not teach a method of hard surface cleaning which includes at least two different steps, each of which has a different composition including at least one pre-rinse step employing a pre-rinse composition including a partially neutralized anionic polymer and at least one other rinse step or cleaning step with a different composition.

Ramachandran et al. suggest that the detergent composition described therein may be employed as a pre-treatment for soiled areas of laundry the liquid detergent is applied full strength (although dilutions may also be used) to the soiled areas and is rubbed into them. Ramachandran et al. suggest rinsing laundry in the normal manner which is with water and possibly a fabric softener. However, Ramachandran et al. do not describe or claim using a pre-rinse composition with a second pre-rinse composition or a cleaning composition which is *different* than the pre-rinse composition.

Furthermore, Applicants assert that the restriction made between independent claim 1 directed to cleaning of equipment in an assembled state and independent claim 21 directed to hard surface cleaning is first an admission that the Examiner is giving weight to the preamble, and is secondly an admission that claim 21 is patentably distinct from the description and claims of Ramachandran et al. Applicants submit that claims 1 and 21 of the present application are closer in their subject matter than either is to washing of laundry as described and claimed in Ramachandran et al., and submit that if claims 1 and 21 are patentably distinct one from another so as to warrant restriction, then the subject matter of claim 21 is clearly distinct and patentable from that described and claimed by Ramachandran et al. Thus, by imposing the restriction between independent claims 1 and 21, Applicants assert that the Examiner is acknowledging patentable distinction between the preamble terms and between the subject matter and should apply the same standard to the analysis of the anticipation of claims 21-27 by Ramachandran et al.

Based on the foregoing, Applicants submit that Ramachandran et al. do not teach all of the elements of claim 21 as required under 35 U.S.C. §102(b) and that claim 21 is not anticipated by Ramachandran et al. Claims 22-23 and 25-26 depend from claim 21 and are patentable for at least the reasons that claim 21 is patentable.

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Applicants respectfully request withdrawal of the rejection of claims 21-23 and 25-26 as being anticipated by Ramachandran et al., US 4469605.

Claims 21-26 have been rejected under 35 U.S.C. §102(b) as being anticipated by Chun et al., US 5133892.

Applicants traverse the rejection.

Claim 21 is discussed above.

Chun et al. is directed to a multilayer detergent table which includes an outer layer, a barrier layer and an inner layer. The tablet provide sequential release of a dishwashing detergent composition and a rinse aid composition such that the cleaning is accomplished prior to the release of the rinse aid.

Chun et al. describe two embodiments of a tablet, one of which may be employed in the prewash dispenser of a dishwasher. The tablet which Chun et al. describes as placing in the prewash dispenser of the dishwasher includes an enzyme in the outer layer and a source of chlorine bleach in the inner layer and a barrier layer which is a mixture of polyacrylic acid/maleic acid copolymer and polyethylene glycol. The outer layer of the tablet dissolves within the first 0.5 to 5 minutes. The barrier layer disintegrates within the next 0.5 to 15 minutes, preferably within the next 1 to 4 minutes. See col. 16, lines 14-39 and col. 18, lines 65-68 to col. 19, lines 1-5. Thus, it is the enzyme which is the first to be released into the dishwasher.

Applicants assert that, in fact, nowhere do Chun et al. describe having a partially neutralized anionic surfactant in a pre-rinse step as required by claim 1 of the present invention. The polyacrylic/maleic acid copolymer and polyethylene glycol which are part of the barrier layer are actually released after the enzyme in the outer layer. Consequently, the teachings of Chun et al. are not the same as those found in claim 21 of the present invention.

The Office Action directs us to col. 7, lines 5-20 and col. 9, lines 55-65 with respect to the rejection of claims 21-23.

At col. 7, lines 5-20, the number of layers of the tablet, and the shape of the tablet are described. At col. 9, lines 55-65, the cycles of a dishwasher are described as including the drying cycle, prewash, prerinse, main wash and rinse cycles.

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It is our assertion that the description found in these places has little to do with teaching a specific type of pre-rinse which is employed on a hard surface as found in claim 21 of the present invention.

Thus, Chun et al. do not teach all of the elements of the claimed invention as required by 35 U.S.C. §102(b).

Furthermore, Applicants submit that again, if cleaning of equipment and hard surface cleaning are patentably distinct as admitted by imposition of a restriction requirement, then it must follow that hard surface cleaning is patentably distinct from dishwashing. If restriction is made between inventions, they must at the very least be obvious variations of one another, and not anticipated. Thus, Applicants submit that if the same standard is applied, the same result should follow because dishwashing is also a different subject matter by those standards.

Claims 22-23 and 24 depend from claim 21 and are patentable for at least the reasons that claim 21 is patentable. Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 21-23 and 24 under 35 U.S.C. §102(b) as being anticipated by Chun et al., US 5133892.

35 U.S.C. §103(a)

Claim 27 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Ramachandran et al., US 4469605.

The Office Action asserts that Ramachandran et al. fail to specifically teach the type of soil removed from the fabric, but that it would have been within the level of skill in the art to have applied the method of Ramachandran et al. for the removal of milk products since Ramachandran et al. teach a method of removing soils from laundry and many typical soil stains on laundry result from food products such as milk, as conventionally shown in the art (U.S. Patent 372589).

Applicants traverse the rejection.

As discussed above, Ramachandran et al. in fact fail to teach hard surface cleaning. Washing laundry is not hard surface cleaning. Furthermore, Ramachandran et al. in fact fail to teach a pre-rinse followed by a different rinse composition or a

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detergent. Ramachandran et al. only describe pretreating a surface with a concentrated amount of the detergent described therein.

Thus, not only do Ramachandran et al. fail to teach the type of soil removed, they fail to teach the specific method for removing the type of soil. Consequently, Ramachandran et al. fail to teach several elements of the claimed invention as required to sustain a rejection of obviousness under 35 U.S.C. §103(a). Applicants therefore respectfully request withdrawal of the rejection of claim 27 as being obvious over Ramachandran et al.

Claim 27 has been further rejected under 35 U.S.C. §103(a) as being unpatentable over Chun et al.

Chun et al. is described above. Chun et al. describe a multilayer tablet for dishwashing having a detergent and a rinse aid. Chun et al. fail to teach any type of specific pre-rinse, but only describe a rinse aid, which is employed *after* a detergent composition and not before as found in claim 21 of the present invention. Chun et al. also do not describe removal of specific types of soils.

Consequently, Chun et al. fail to teach or suggest all of the elements of claim 27 which depends from claim 21. Applicants therefore respectfully request withdrawal of the rejection of claim 27 under 35 U.S.C. §103(a) as being obvious over Chun et al, US 5133892.

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CONCLUSION

Claims 21-27 are pending in the application. Claims 1-20 and 28-31 have been withdrawn from consideration. Applicants have addressed each of the issues presented in the Office Action. Applicants respectfully request reconsideration and an early allowance of the claims as presented.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By:


Lisa L. Ryan-Linquist
Registration No.: 43071

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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